

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST ROOFERS HEALTH &)
WELFARE TRUST et al.,) CASE NO. C04-532-MJB
Plaintiffs,) ORDER FOR SUMMARY
v.) JUDGMENT
J.N. VAIL CO., INC.)
Defendant.)

Plaintiffs Northwest Roofers Health & Welfare Trust, Roofers Apprenticeship Trust and National Roofing Industry Pension Fund (Trust Funds) have moved the Court for Summary Judgment against Defendant J.N. Vail Co., Inc. a Washington corporation (Employer). Defendant Employer has not filed any opposition to plaintiffs' motion.¹

SUMMARY OF JUDGMENT

1.	Judgment Creditors:	Northwest Roofers Health & Welfare Trust, Roofers Apprenticeship Trust and National Roofing Industry Pension Fund
2.	Judgment Debtor:	J.N. Vail Co., Inc.
3.	Contributions:	\$175,310.12
4.	Liquidated Damages:	\$21,130.99
5.	Interest to Date of Judgment:	\$42,767.89

¹If a party fails to file papers in opposition to a motion, such failure may be considered by the court as an admission that the motion has merit. Local Rules of W.D. Wash, CR 7(b)(2).

6.	Audit Fee:	\$3,606.74
7.	Costs:	\$1,007.62
8.	Attorney's Fees	\$16,963.65
9.	Post-Judgment Interest on Delinquent Contributions:	12% per annum
10.	Attorney for Judgment Creditor:	Robert A. Bohrer, WSBA No. 5050 EKMAN, BOHRER & THULIN, P.S.

This matter having come on for consideration upon plaintiff Trust Funds' Motion for Summary Judgment against defendant Employer, plaintiffs having met their initial burden of demonstrating the absence of genuine issues of material fact regarding defendant's contractual liability and as to damages in this case, defendant Employer having failed to file evidence in opposition to the motion,² and the Court having considered the pleadings on file and otherwise being generally advised, it is hereby,

ORDERED that Plaintiff Trust Funds Motion for Summary Judgment (Dkt. # 16) is GRANTED. Plaintiff Trust Funds is awarded a Summary Judgment against defendant Employer in the amount of \$260,787.01, representing contributions covering the period May 2000 through January 2005, in the amount of \$175,310.12, liquidated damages in the amount \$21,130.99, interest in the amount \$42,767.89, costs in the amount \$1,007.62, audit fees in the amount \$3,606.74, and attorney's fees in the amount \$16,963.65, for a total amount owing of \$260,787.01.

IT IS FURTHER ORDERED that such Summary Judgment is deemed a final judgment pursuant to FRCP 54(c) and there is no just reason for delay in entry of such judgment on Plaintiff Trust Funds' claims herein.

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²When a motion for summary judgment is made and supported as provided in Fed. R. Civ. P. 56, if the adverse party does not respond as provided in the rule setting forth specific facts showing that there is a genuine issue for trial, summary judgment, if appropriate, shall be entered against the adverse party. *See Rule 56(e).*

IT IS FURTHER ORDERED that this Judgment shall accrue interest on the total unpaid balance of delinquent contributions at the rate of 12% per annum, pursuant to the terms of the Trust Agreements to which defendant Employer is bound.

DATED this 8th day of November, 2005.


MONICA J. BENTON
United States Magistrate Judge